

EXHIBIT H

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DIANNE L. KELLEY and KENNETH
HANSEN,

Plaintiffs,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

NO. C07-0475 MJP

MICROSOFT'S FIRST SET OF
INTERROGATORIES TO
PLAINTIFF KENNETH HANSEN

ANSWERS, RESPONSES, AND
OBJECTIONS THERETO

CLASS ACTION

Plaintiff Kenneth Hansen hereby serves his answers, responses, and objections to
Microsoft's First Set of Interrogatories, as follows:

MICROSOFT'S INSTRUCTIONS AND DEFINITIONS

A. This discovery is directed toward the above named Plaintiff, her agents,
representatives, employees, and any other person, and/or businesses, partnerships and enterprises
in which Plaintiff has a business interest and/or which are subject to Plaintiff's control.

B. If you cannot answer any of the following interrogatories in full after
exercising due diligence in attempting to secure the information necessary to do so, answer to the
extent possible, providing all information available to you as of the date of your response to

MICROSOFT'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF DIANNE
KELLEY WITH ANSWERS, RESPONSES, AND
OBJECTIONS THERETO - 1

No. C07-0475 MJP

GORDON TILDEN THOMAS & CORDELL LLP
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Phone (206) 467-6477
Fax (206) 467-6292

1 Microsoft of PCs that Microsoft certified would be capable of running the new Vista
2 operating system touted by Microsoft when, in fact, this was not true.

3
4 12. Identify each communication you, your attorneys, or any of your or your
5 attorneys' agents or representatives have had, either directly or indirectly, orally or in writing,
6
7 with any member of the putative class regarding this case or the subject matter of this case.
8
9

10 **RESPONSE:**

11
12 **Objection:** Mr. Hansen objects to this interrogatory to the extent that it seeks the
13 disclosure of communications of his counsel with members of the plaintiff class, which
14 information protected by the attorney-client privilege and would be beyond the scope of his
15 personal knowledge in any event. Mr. Hansen further objects to the interrogatory to the
16 extent that it seeks disclosure of communications between his and other class members on
17 the ground of work product.
18

19 **Notwithstanding and without waiving any of the objections above, Mr. Hansen**
20 **answers as follows: None.**
21

22 13. To the extent you allege in Paragraph 7.2 of your Complaint that
23
24 Microsoft "breached its promise" to putative class members regarding Windows Vista, describe
25
26 in detail how you intend to show, with common proof, that Microsoft had a binding contract with
27
28 each putative class member.
29

30 **RESPONSE:**

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32 **Objection.** In light of the dismissal of the breach of contract claim, Mr. Hansen
33 objects to this interrogatory on the ground that it seeks information not reasonably
34 calculated to lead to the discovery of admissible evidence and thus is beyond the scope of
35 discovery under Rule 26(b).
36

37 14. Identify all other actions, lawsuits, arbitrations, bankruptcies, insolvency
38
39 proceedings or other adjudicatory proceedings or regulatory enforcement actions or
40
41 investigations to which you are or have been a party during the past ten years.
42

43 **RESPONSE:**

44
45 MICROSOFT'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF DIANNE
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#06 MI-700665 unlawful detainer action in Chicago, IL in 2006
#02 CR 330714 traffic violations in Wheeling, IL in 2002

15. Identify by caption, date, court, arbitration organization and docket number, all legal proceedings commenced at any time in any court or with any arbitration organization in which you have sought to be a class representative in a class action, in which you brought suit derivatively on behalf of a corporation, or in which you represented or assisted in the representation of any plaintiffs, defendants, or other persons in a legal proceeding brought as a class, derivative or private attorney general action.

RESPONSE:

None.

16. Describe the nature of any injunctive, declaratory, or equitable relief you seek in this case.

RESPONSE:

Mr. Hansen seeks injunctive, declaratory, or equitable relief of the following nature: rescission, specific performance, restitution, disgorgement of profits, and any other and further injunctive or equitable relief that continued investigation and discovery shows Mr. Hansen and the class members are entitled to receive. See also Rule 33(c).

17. Describe the damages you claim to have suffered as a result of the "Windows Vista Capable" sticker, including without limitation any expense incurred to upgrade your PC's hardware, and any cost for additional software.

RESPONSE:

Objection: Mr. Hansen objects to this interrogatory to the extent that it seeks the disclosure of the mental impressions, conclusions, opinions and/or legal theories of his counsel, which are protected attorney work product. Furthermore, at this point in the litigation, we expect that the damages claims of Mr. Hansen and the putative class members will be amenable to classwide calculation by common method through expert testimony based on economic theory and documents produced herein. We suspect that

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